

ADJOURNMENT

On motion of Senator Aikin the Senate at 12:21 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX**Sent to Governor**

(April 5, 1977)

S.B. 613
S.C.R. 45
S.C.R. 53

FORTY-SEVENTH DAY

(Wednesday, April 6, 1977)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Absent-excused: Clower.

A quorum was announced present.

The Reverend Don Benton, Spring Valley United Methodist Church, Dallas, Texas, offered the invocation as follows:

Father, we affirm that You alone are worthy of our total allegiance. You are the source of our creation and the continuously sustaining power of our lives. Sensitize our sight then that we may see things as they are and understand what You would have them be. Then give us the faith and courage to reach to the limit of our vision of a world made better by You, through us. For Thy Holy Name's sake, and in quest of our own fulfillment we offer this prayer. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Clower was granted leave of absence for today on account of important business on motion of Senator Mauzy.

CO-AUTHOR OF SENATE BILL 867

On motion of Senator Jones of Harris and by unanimous consent, Senator Parker will be shown as Co-author of S.B. 867.

PRESENTATION OF GUEST

The President presented to the Members of the Senate Miss Rosemary Murray, Vice-Chancellor, University of Cambridge, who addressed the Senate.

MESSAGE FROM THE HOUSE

House Chamber
April 6, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House refused to concur in Senate amendments to House Bill No. 502 and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

House Conferees: Bird, Chairman; Grant, Lewis, Bock, Hall of Harris.

The House has concurred in Senate amendments to House Bill No. 3 by record vote of 116 Ayes, 22 Noes.

H.B. 188, A bill to be entitled An Act relating to the creation and composition of the University of Houston System; vesting authority in the Board of Regents of the University of Houston System; amending Subchapter B, Chapter 111, Texas Education Code, by adding Section 111.20.

H.B. 298, A bill to be entitled An Act relating to the uses to which local hotel occupancy taxes may be put; amending Subsection (a), Section 3c, Chapter 63, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 1269j-4.1, Vernon's Texas Civil Statutes).

H.B. 390, A bill to be entitled An Act amending Section 43, Chapter 284, Acts of the 64th Legislature, Regular Session, 1975, relating to exclusions from the provisions of the Harris-Galveston Coastal Subsidence District; and declaring an emergency.

H.B. 443, A bill to be entitled An Act converting Sections 9b and 9c, Texas Election Code (Articles 2.01b and 2.01c, Vernon's Texas Election Code), relating to uniform dates for holding elections and joint elections held by different political subdivisions, enacted by Chapter 715, Acts of the 64th Legislature, 1975, as

temporary laws, into permanent laws, and declaring their effect on other laws; repealing Section 3(b) of the aforesaid Chapter 715.

H.B. 589, A bill to be entitled An Act relating to publication of notice of intent to apply for the passage of a local or special law; amending Article 2, Revised Civil Statutes of Texas, 1925.

H.B. 920, A bill to be entitled An Act relating to nonresident hunting licenses; amending Sections 42.005 and 42.014, Parks and Wildlife Code; adding Section 42.0141 to Chapter 42 and Subsection (c) to Section 42.022, Parks and Wildlife Code.

H.B. 1126, A bill to be entitled An Act relating to assessment, equalization, and collection of taxes for a joint county junior college district; amending Section 130.121, Texas Education Code, by adding Subsection (g).

H.B. 1148, A bill to be entitled An Act relating to guaranteed student loans; adding Chapter 57 to the Texas Education Code, as amended.

H.B. 1292, A bill to be entitled An Act relating to the interest rate charged on certain purchases, sales, and transfers by the Texas Water Development Board; amending Sections 11.356, 11.357, 11.358, 11.409, 11.604, Water Code, as amended; adding Subdivisions (11), (12), (13), and (14) to Section 11.001, Water Code, as amended; adding Section 11.3571 to the Water Code, as amended.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Snelson submitted the following report for the Committee on Intergovernmental Relations:

H.B. 145 (Amended)
S.B. 266 (Amended)
S.B. 275
S.B. 865

Senator Adams submitted the following report for the Committee on Administration:

H.C.R. 26 (Ordered not printed)
H.C.R. 53 (Ordered not printed)
H.B. 314 (Ordered not printed)
S.C.R. 64 (Ordered not printed)
H.C.R. 50 (Ordered not printed)
H.C.R. 47 (Ordered not printed)
H.C.R. 29 (Ordered not printed)
H.C.R. 43 (Ordered not printed)
S.C.R. 66 (Ordered not printed)
H.B. 828 (Ordered not printed)
S.R. 322 (Ordered not printed)
H.C.R. 2 (Ordered not printed)

S.B. 784
S.B. 385 (Amended)
S.B. 992
S.B. 889
S.B. 466
S.B. 858
C.S.H.B. 1048 (Read first time)
C.S.S.B. 790 (Read first time)
C.S.S.B. 79 (Read first time)
C.S.S.B. 61 (Read first time)
C.S.S.B. 208 (Read first time)
C.S.S.B. 928 (Read first time)
C.S.S.B. 587 (Read first time)
C.S.S.B. 588 (Read first time)
C.S.S.B. 977 (Read first time)

S.B. 892
S.B. 872
S.B. 918 (Amended)
S.B. 482 (Amended)
S.B. 911

S.B. 1233 by Ogg Intergovernmental Relations
Relating to the creation of residential, commercial or industrial subdivisions of land lying within a duly incorporated city or town of this state or within ten miles of the boundary thereof; providing for the filing of a subdivision plat; the designation of operating sites for use by Possessory Mineral Interest owners; the dedication of roadways and pipeline easements to such sites, the restriction of surface operations for oil, gas and other minerals to such operating sites; permitting subsurface use of any such subdivision for the exploration for and production of oil, gas and other minerals; and declaring an emergency.

S.B. 1234 by Hance Human Resources
 Relating to duties of a managing conservator; amending Section 14.02(b), Family Code.

S.B. 1235 by Hance Intergovernmental Relations
 Relating to the compensation of the judges of certain courts in Lubbock County; amending Sec. 22, Chap. 109, Acts of the 55th Legislature, Regular Session, 1957, as amended (Art. 1970.340.1, Vernon's Texas Civil Statutes); and declaring an emergency.

S.C.R. 83 by Jones of Harris Administration
 Creating a special interim committee to study capital punishment in Texas.

HOUSE BILLS ON FIRST READING

The following bills received from the House, were read the first time and referred to the Committee indicated:

H.B. 888, To Committee on Intergovernmental Relations.
H.B. 1181, To Committee on Natural Resources.
H.B. 300, To Committee on Economic Development.
H.B. 625, To Committee on State Affairs.
H.B. 633, To Committee on Economic Development.
H.B. 704, To Committee on Economic Development.
H.B. 706, To Committee on Economic Development.
H.B. 1490, To Committee on Economic Development.
H.B. 880, To Committee on Human Resources.
H.B. 918, To Committee on State Affairs.
H.B. 298, To Committee on Human Resources.
H.B. 920, To Committee on Natural Resources.
H.B. 1126, To Committee on Education.
H.B. 1148, To Committee on Education.
H.B. 1292, To Committee on Natural Resources.
H.B. 188, To Committee on Education.
H.B. 390, To Committee on Natural Resources.
H.B. 443, To Committee on State Affairs.
H.B. 589, To Committee on Administration.

NOTICE OF EXECUTIVE SESSION

Senator McKnight gave Notice that he would move for an Executive Session of the Senate at 11:00 o'clock a.m. tomorrow.

SENATE BILL 23 WITH HOUSE AMENDMENT

Senator Williams called **S.B. 23** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Amend **S.B. No. 23** by inserting "or state school" between "hospital" and the comma following it on line 25 of page 1, by deleting the word "medical" on page 2,

line 2, and by inserting "or state school" after "hospital" on line 3 of page 2, each being an amendment to Subdivision (8) of quoted Section 46.002.

The amendment was read.

Senator Williams moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Clower.

BILLS ORDERED NOT PRINTED

On motion of Senator Schwartz and by unanimous consent, **C.S.S.B. 61, C.S.S.B. 587, C.S.S.B. 588, C.S.S.B. 790, C.S.S.B. 928, C.S.S.B. 977, S.B. 466, S.B. 784, S.B. 858, S.B. 889, and S.B. 992** were ordered not printed.

HOUSE BILL 694 ON SECOND READING

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 694, A bill to be entitled An Act relating to the application of the sales and use tax to periodicals and to certain property used in the publication and distribution of periodicals; amending Section (Y) of Article 20.01 and Section (BB) of Section 20.04, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended.

The bill was read second time and was passed to third reading.

RECORD OF VOTES

Senators Mauzy and Moore asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 694 ON THIRD READING

Senator Aikin moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 694** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mauzy, Moore.

Absent-excused: Clower.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Mauzy, Moore, and Harris asked to be recorded as voting "Nay" on the final passage of the bill.

CONFERENCE COMMITTEE ON HOUSE BILL 502

Senator Kothmann called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on **H.B. 502** and moved that the request be granted.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **H.B. 502** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Kothmann, Traeger, Lombardino, Mauzy, and Clower.

HOUSE BILL 455 ON SECOND READING

On motion of Senator Andujar and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 455, A bill to be entitled An Act relating to the term "workmen's compensation" as used in the laws of this state.

The bill was read second time.

Senator Andujar offered the following committee amendment to the bill:

Amend **H.B. 455** by adding immediately following Section 2 of the bill a new section thereof designated as Section 2.1 which reads as follows:

"Sec. 2.1. Amend Section 1 of Chapter 279, Acts of the 53rd Legislature, Regular Session, 1953 (codified as V.A.T.S., Insurance Code, art. 5.76), as amended, by changing the words 'Workmen's compensation' to 'workers' compensation' wherever such words appear therein."

The committee amendment was read and was adopted.

Senator Andujar offered the following committee amendment to the bill:

Amend the caption to conform to the body of the bill.

The bill as amended was passed to third reading.

HOUSE BILL 455 ON THIRD READING

Senator Andujar moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **H.B. 455** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Jones of Taylor.

Absent-excused: Clower.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 629 ON THIRD READING

On motion of Senator Ogg and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage (The bill having been read third time on yesterday.):

C.S.S.B. 629, Relating to the approval by existing school districts of the acquisition of control of school districts by cities; amending Subsection (a), Section 19.161, Texas Education Code.

Question - Shall the bill be finally passed?

By unanimous consent, Senator Schwartz offered the following amendment to the bill:

Amend **C.S.S.B. No. 629** by adding the following language after the words "must be approved," in Section 1. thereof:

"by resolution adopted at a regularly scheduled public meeting."

The amendment was read and was adopted.

On motion of Senator Ogg and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was then finally passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Clower.

COMMITTEE SUBSTITUTE SENATE BILL 70 ON THIRD READING

On motion of Senator Lombardino and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

C.S.S.B. 70, Authorizing honorably retired peace officers to carry handguns; relating to the termination of such authorization under certain conditions; amending Section 46.03, Penal Code, as amended.

The bill was read third time and was passed by the following vote: Yeas 24, Nays 5.

Yeas: Aikin, Andujar, Braecklein, Brooks, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Ogg, Patman, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Nays: Adams, Creighton, Mauzy, Parker, Sherman.

Absent: Moore.

Absent-excused: Clower.

SENATE BILL 709 ON SECOND READING

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 709, Relating to state appropriations for public junior colleges; amending Subsections (a) and (c), Section 130.003, Texas Education Code, and adding Subsections (f)-(l).

The bill was read second time.

Senator Aikin offered the following committee amendment to the bill:

Amend **S.B. No. 709** by striking quoted Subsection (c) in Section 1 and substituting the following:

“(c) All funds allocated under the provisions of this code, with the exception of those necessary for paying the costs of audits as provided, shall be used exclusively for the purpose of paying the following elements of cost: instructional administration, general administration and student services, faculty salaries, departmental operating expense, library, staff benefits, general institutional expense, and organized activities ~~(salaries of instructional and administrative forces of the several institutions and the purchase of supplies and materials for instructional purposes).~~”

The committee amendment was read and was adopted.

On motion of Senator Aikin and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

(Senator Brooks in Chair)

SENATE BILL 709 ON THIRD READING

Senator Aikin moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 709** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Yeas: Adams, Aikin, Andujar, Bracklein, Brooks, Creighton, Doggett, Farabee, Hance, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Traeger, Truan, Williams.

Nays: Jones of Taylor.

Absent: Harris, Moore, Snelson.

Absent-excused: Clower.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 1.

Yeas: Adams, Aikin, Andujar, Bracklein, Brooks, Creighton, Doggett, Farabee, Hance, Jones of Harris, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Jones of Taylor.

Absent: Harris, Moore.

Absent-excused: Clower.

SENATE BILL 1148 ON SECOND READING

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1148, Relating to the payment of travel expenses for prospective state employees; amending Section 2, Travel Regulations Act of 1959, as amended (Article 6823a, Vernon's Texas Civil Statutes).

The bill was read second time and was passed to engrossment.

SENATE BILL 1148 ON THIRD READING

Senator Aikin moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 1148** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Harris, Moore.

Absent-excused: Clower.

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent: Harris, Moore.

Absent-excused: Clower.

(President in Chair)

SENATE JOINT RESOLUTION 45 ON THIRD READING

Senator Schwartz asked unanimous consent to suspend the regular order of business to take up for consideration on its third reading and final passage:

S.J.R. 45, Proposing an amendment to Article V, Section 6, Texas Constitution, to permit more associate justices on a court of civil appeals, to permit a court of civil appeals to sit in sections, and requiring a concurrence of a majority of justices for a decision.

There was objection.

Senator Schwartz then moved to suspend the regular order of business and take up **S.J.R. 45** for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 2.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Nays: Creighton, Sherman.

Absent: Harris, Moore.

Absent-excused: Clower.

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote: Yeas 25, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Doggett, Farabee, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Nays: Creighton, Hance, Sherman.

Absent: Harris, Moore.

Absent-excused: Clower.

SENATE BILL 945 ON SECOND READING

On motion of Senator Sherman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 945, Relating to the procedure for incorporating a state bank; amending Article 4, amending Section C and D of, and adding Section E to, Article 5, Subchapter III, The Texas Banking Code of 1943, as amended (Article 342-101 et seq., Vernon's Texas Civil Statutes).

The bill was read second time and was passed to engrossment.

SENATE BILL 945 ON THIRD READING

Senator Sherman moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 945** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Harris, Moore.

Absent-excused: Clower.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent: Harris, Moore.

Absent-excused: Clower.

SENATE BILL 529 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 529, Adding Section 5.146 to the Water Code so as to exempt a person from obtaining a water permit when the water is to be used for drilling oil and gas wells; protecting water rights; providing that the exemption does not extend to certain other oil and gas field uses; providing for ceasing such use when ordered by the Commission and establishing penalties and injunctive relief to enforce Commission orders; and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 529 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 529** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent: Moore.

Absent-excused: Clower.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

BILLS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S.C.R. 75

S.C.R. 79

S.B. 303

S.B. 543

COMMITTEE SUBSTITUTE SENATE BILL 653 ON THIRD READING

Senator Doggett moved to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

C.S.S.B. 653, Relating to the authority of Travis County to enact ordinances and regulate construction and development in unincorporated areas of the county; providing penalties.

The motion prevailed by the following vote: Yeas 19, Nays 8, Present-Not Voting 1.

man, Yeas: Adams, Aikin, Doggett, Farabee
Santiesteban, Schwartz, Sherman, Snelson, Truan.

Nays: Andujar, Braecklein, Creighton, Harris, Mengden, Ogg, Traeger, Williams.

Present-Not Voting: Brooks.

Absent: Meier, Moore.

Absent-excused: Clower.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote: Yeas 17, Nays 11, Present-Not Voting 1.

Yeas: Adams, Aikin, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Lombardino, Longoria, Mauzy, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Truan.

Nays: Andujar, Braecklein, Creighton, Harris, Kothmann, McKnight, Meier, Mengden, Ogg, Traeger, Williams.

Present-Not Voting: Brooks.

Absent: Moore.

Absent-excused: Clower.

SENATE BILL 837 ON SECOND READING

Senator McKnight moved to suspend the regular order of business to take up for consideration at this time:

S.B. 837, Relating to family practice residency training conducted by the Texas Board of Health Resources.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mauzy.

Absent: Moore, Ogg.

Absent-excused: Clower.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator McKnight offered the following committee amendment to the bill:

Amend Senate Bill 837 by striking all of Section 3 and adding in its place the following:

“Sec. 3. The board may enter into contracts and agreements with the Coordinating Board, Texas College and University System, the University of Texas Health Science Center at Houston, the University of Texas Health Science Center at Dallas, the University Health Science Center at San Antonio, the University of Texas Medical Branch at Galveston, the Texas Tech University School of Medicine, and the Medical Program at Texas A&M University, and Licensed Hospitals.”

The committee amendment was read and was adopted.

On motion of Senator McKnight and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting “Nay” on the passage of the bill to engrossment.

SENATE BILL 837 ON THIRD READING

Senator McKnight moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 837** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Mauzy.

Absent: Moore.

Absent-excused: Clower.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting “Nay” on the final passage of the bill.

SENATE BILL 249 ON SECOND READING

Senator Hance moved to suspend the regular order of business to take up for consideration at this time:

S.B. 249, A bill to be entitled An Act relating to the designation of an alternate juvenile court and providing for its jurisdiction in certain cases in which the judge of the juvenile court is not an attorney licensed in this state; amending Subsection (d), Section 51.04, Family Code, as amended; adding Section 51.18 to Chapter 51, Family Code, as amended.

The motion prevailed by the following vote: Yeas 24, Nays 6.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Farabee, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Parker, Patman, Schwartz, Sherman, Snelson, Traeger, Williams.

Nays: Doggett, Jones of Harris, Mauzy, Ogg, Santiesteban, Truan.

Absent-excused: Clower.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Hance offered the following committee amendment to the bill:

S.B. 249, Amend Section 2 of **S.B. 249** by deleting Subsection (a) in its entirety and substituting the following in lieu thereof:

"(a) If a juvenile court, the judge of which is not an attorney licensed in this state, issues an order that may be appealed as provided in Subsection (c) of Section 56.01 of this code, the child or a representative of the child may file a motion for rehearing with the judge of the alternate juvenile court. The motion for rehearing must be made during the ten-day period beginning on the day after the order is entered in the minutes of the juvenile court or the motion in the alternate court is barred."

The committee amendment was read and was adopted.

Senator Ogg offered the following amendment to the bill:

Amend Senate Bill 249 as follows:

(1) Amend Section 1 to read as follows:

"Subsection (d), Section 51.04, Family Code, as amended is amended to read as follows:

(d) A court may not be designated as the juvenile court unless its presiding judge:

(1) is an attorney licensed to practice law in this state, or
(2) if in a county with 50,000 or fewer inhabitants, is a nonlawyer who has served as the judge of a county court in this state for at least four years. However, if

a nonlawyer is the juvenile judge he may not preside over an adjudication, disposition, or certification hearing, or,

(3) if the judge in (2) above has successfully completed 60 or more hours from an accredited school of law.

(4) There may also be designated an alternate juvenile court, the judge of which need not be an attorney licensed in this state. The judge of the alternate court may rule on motions and hold hearings on emergency matters arising at a time at which the judge of the court is not available, or in cases in which an immediate order from the court is necessary to protect the best interest of the child.

(2) Strike Section 2 in its entirety and renumber the subsequent section accordingly.

The amendment was read.

Senator Ogg offered the following amendment to the amendment:

“Amend the pending amendment to **S.B. 249** by striking Section (2) thereof.

The amendment to the amendment was read and was adopted.

The amendment as amended failed of adoption by the following vote: Yeas 8, Nays 22.

Yeas: Brooks, Doggett, Jones of Harris, Mauzy, Meier, Ogg, Santiesteban, Williams.

Nays: Adams, Aikin, Andujar, Braecklein, Creighton, Farabee, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Mengden, Moore, Parker, Patman, Schwartz, Sherman, Snelson, Traeger, Truan.

Absent-excused: Clower.

On motion of Senator Hance and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by the following vote: Yeas 25, Nays 4.

Yeas: Adams, Aikin, Andujar, Braecklein, Creighton, Farabee, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Doggett, Jones of Harris, Mauzy, Ogg.

Absent: Brooks.

Absent-excused: Clower.

SENATE BILL 249 ON THIRD READING

Senator Hance moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 249** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Adams, Aikin, Andujar, Braecklein, Creighton, Farabee, Hance, Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Truan, Williams.

Nays: Doggett, Jones of Harris, Mauzy.

Absent: Brooks.

Absent-excused: Clower.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Jones of Harris, Ogg, Mauzy, and Doggett asked to be recorded as voting "Nay" on the final passage of the bill.

SENATE BILL 469 ON SECOND READING

Senator Jones of Taylor asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 469, Amending the Securities Act, Chapter 269, Acts of the 55th Legislature, Regular Session, 1957, as amended (Articles 581-1 et seq., Vernon's Texas Civil Statutes), by amending Section 33 to provide for liability of sellers, buyers, issuers control persons and aiders; to clarify damages and rescission rights and allow recovery of attorney's fees; to provide statutes of limitations; to permit rescission offers.

There was objection.

Senator Jones of Taylor then moved to suspend the regular order of business and take up **S.B. 469** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Adams, Aikin, Andujar, Braecklein, Brooks, Creighton, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Ogg, Parker, Santiesteban, Sherman, Snelson, Truan, Williams.

Nays: Doggett, Mauzy, Patman, Schwartz.

Absent: Traeger.

Absent-excused: Clower.

The President then laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Jones of Taylor offered the following committee amendment to the bill:

Amend **S.B. 469**, introductory copy on page 1, line 5 by inserting a comma between the words "issuers" and "control".

The committee amendment was read and was adopted.

Senator Jones of Taylor offered the following committee amendment to the bill:

Amend **S.B. 469** introductory copy on page 7, line 10 by striking the word "or" and substituting in lieu thereof, the word "on".

The committee amendment was read and was adopted.

On motion of Senator Jones of Taylor and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

Question - Shall the bill as amended be passed to engrossment?

MESSAGE FROM THE HOUSE

House Chamber
April 6, 1977

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 536, An act authorizing the Public Utility Commission to transfer certain appropriations; making a supplemental appropriation.

Respectfully submitted,
BETTY MURRAY, Chief Clerk
House of Representatives

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 458 - by Traeger: Extending congratulations to J. K. Montgomery.

S.R. 474 - by Andujar: Extending welcome to Reverend Don Benton.

S.R. 475 - by Harris: Extending welcome to Girl Scout Troop No. 1346.

S.R. 476 - by Snelson: Extending congratulations to James P. "Jim" Crawford.

S.R. 477 - by Adams: Extending congratulations to Jasper County honorees of the Family Land Heritage Program.

S.R. 478 - by Ogg: Extending welcome to Theron, Lee and Stephanie Garrison.

S.R. 479 - by Doggett: Extending welcome to Zilker Elementary School 3rd Grade Class.

S.R. 480 - by Aikin: Extending welcome to Mr. and Mrs. Max Linthicum.

RECESS

On motion of Senator Aikin the Senate at 12:32 o'clock p.m. took recess until 1:00 o'clock p.m. today.

FORTY-SEVENTH DAY

(Continued)

(Wednesday, April 6, 1977)

AFTER RECESS

The Senate met at 1:00 o'clock p.m. and was called to order by Senator Adams.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Adams in Chair) announced that the time had arrived for the consideration of the Local and Uncontested Bills Calendar in accordance with the provisions of **S.R. 32**.

The following bills were laid before the Senate, read second time, passed to engrossment, read third time and passed: (Sponsor, vote on suspension of the Constitutional Three-Day Rule and final passage indicated after each bill.)

C.S.S.B. 61 (Jones of Haris) Relating to a requirement that a probationer reimburse the county in which he was prosecuted for compensation paid an appointed counsel. (31-0)(31-0)

C.S.S.B. 252 (Hance) Relating to workmen's compensation for employees of Texas Tech University, Pan Tech farm, and Texas Tech University School of Medicine at Lubbock (31-0)(31-0)

C.S.S.B. 373 (Tracger) Relating to the aggregate amount of water development bonds for water quality enhancement purposes which may be issued. (31-0)(31-0)

S.B. 466 (Mauzy) Relating to retired district judges or appellate judges sitting as commissioners to the courts of civil appeals. (31-0)(31-0)